

EXHIBIT 12

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF NEW JERSEY
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4
5 MDL No. 16-2738 (FLW) (LHG)

6 IN RE: JOHNSON & JOHNSON
TALCUM POWDER PRODUCTS
7 MARKETING, SALES PRACTICES,
AND PRODUCTS LIABILITY LITIGATION
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14 The remote video deposition of WILLIAM LONGO,
15 Ph.D., taken via Zoom videoconference on
16 May 2, 2024, commencing at approximately
17 11:20 a.m., before Lois Anne Robinson,
18 Certified Realtime Reporter.
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<p style="text-align: right;">Page 2</p> <p>1 A P P E A R A N C E S</p> <p>2 COUNSEL FOR PLAINTIFFS:</p> <p>3 BEASLEY, ALLEN, CROW, METHVIN, PORTIS & MILES, P.C.</p> <p>4 218 Commerce Street</p> <p>5 Montgomery, Alabama 36103</p> <p>6 BY: Leigh O'Dell, Esquire</p> <p>7 Leigh.odell@beasleyallen.com</p> <p>8 Leanna Pittard, Esquire</p> <p>9 Leanna.pittard@beasleyallen.com</p> <p>10 ASHCRAFT & GEREL</p> <p>11 1825 K Street NW, Suite 700</p> <p>12 Washington, DC 20006</p> <p>13 BY: Michelle A. Parfitt, Esquire</p> <p>14 Mparfitt@ashcraftlaw.com</p> <p>15 COHEN, PLACITLA & ROTH</p> <p>16 127 Maple Avenue</p> <p>17 Red Bank, New Jersey 07701</p> <p>18 BY: Christopher Placitella, Esquire</p> <p>19 Cplacitella@cprlaw.com</p> <p>20 Drew Renzi, Esquire</p> <p>21 Drenzi@cprlaw.com</p> <p>22 REILLY, McDEVITT & HENRICH, P.C.</p> <p>23 3 Executive Campus, Suite 310</p> <p>24 Cherry Hill, New Jersey 08002</p> <p> BY: Stephanie DiVita, Esq.</p> <p> Sdivita@rmh-law.com</p> <p> FOR THE DEFENDANT:</p> <p> KING & SPALDING</p> <p> 1185 Avenue of the Americas</p> <p> 34th Floor</p> <p> New York, New York 10036</p> <p> BY: John Ewald, Esquire</p> <p> Jewald@kslaw.com</p> <p> Jake Keester, Esquire</p> <p> Jkeester@kslaw.com</p> <p> VIDEOGRAPHER: Maria Lima</p> <p> Lois Anne Robinson, RPR, RDR, CRR</p> <p> Court Reporter</p>	<p style="text-align: right;">Page 4</p> <p>1 I N D E X - (continued)</p> <p>2 Exhibit 8 57</p> <p>3 Reliance list</p> <p>4 Exhibit 9 57</p> <p>5 Fourth Supplemental MDL expert report - 4/29/24</p> <p>6 Exhibit 10 58</p> <p>7 Supplemental expert report - 5/2/24</p> <p>8 Exhibit 11 58</p> <p>9 MDL second supplemental expert report - 2/1/19</p> <p>10 Exhibit 12 145</p> <p>11 2/4/20 - Longo - "The Heavy Liquid Separation Method for the</p> <p>12 Analysis of Cosmetic Talc to Detect Amphibole and Chrysotile</p> <p>13 Asbestos"</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
<p style="text-align: right;">Page 3</p> <p>1 I N D E X</p> <p>2 EXAMINATION PAGE</p> <p>3 By Mr. Ewald 6</p> <p>4</p> <p>5 * * * * *</p> <p>6 EXHIBITS PAGE</p> <p>7 Exhibit 1 17</p> <p>8 Lizardite Standard</p> <p>9 Exhibit 2 17</p> <p>10 Antigorite Standard</p> <p>11 Exhibit 3 31</p> <p>12 Shu-Chun Su - "The Dispersion Staining Technique and Its</p> <p>13 Application to Measuring Refractive Indices of Non-Opaque</p> <p>14 Materials, with Emphasis on Asbestos Analysis"</p> <p>15 Exhibit 4 31</p> <p>16 Shu-Chun Su - "Rapidly and Accurately Determining Refractive</p> <p>17 Indices of Asbestos Fibers by Using Dispersion Staining</p> <p>18 Method"</p> <p>19 Exhibit 5 42</p> <p>20 Notice of Deposition</p> <p>21 Exhibit 6 43</p> <p>22 PSC Objections to Updated Notice of Deposition</p> <p>23 Exhibit 7 56</p> <p>24 Curriculum vitae</p>	<p style="text-align: right;">Page 5</p> <p>1 VIDEOGRAPHER:</p> <p>2 We are now on the record.</p> <p>3 My name is Maria Lima. I'm a</p> <p>4 videographer for Golkow.</p> <p>5 Today's date is May 2nd, 2024, and the</p> <p>6 time is 11:20 a.m. This remote video deposition</p> <p>7 is being held in the matter of Talcum Powder</p> <p>8 Litigation.</p> <p>9 The deponent is William E. Longo, Ph.D.</p> <p>10 All parties to this deposition are</p> <p>11 appearing remotely and have agreed to the witness</p> <p>12 being sworn in remotely. Due to the nature of</p> <p>13 remote reporting, please pause briefly before</p> <p>14 speaking to ensure all parties are heard</p> <p>15 completely.</p> <p>16 Counsel's appearances will be noted on</p> <p>17 the stenographic record.</p> <p>18 The court reporter will now swear in</p> <p>19 the witness.</p> <p>20</p> <p>21 WILLIAM LONGO, Ph.D.,</p> <p>22 the witness, after having first been</p> <p>23 duly sworn to tell the truth, the whole truth,</p> <p>24 and nothing but the truth, was examined and</p>

<p style="text-align: right;">Page 118</p> <p>1 preparation is everything for a TEM analysis.</p> <p>2 Q Well, if you are correct, the</p> <p>3 finding --</p> <p>4 Withdrawn.</p> <p>5 If MAS is correctly finding chrysotile</p> <p>6 in Johnson & Johnson talc using PLM, then you</p> <p>7 should be able to identify that on TEM if you</p> <p>8 look long enough. Correct?</p> <p>9 A If -- if you look long enough,</p> <p>10 et cetera. That -- it doesn't work. You need,</p> <p>11 you know, you need to have the methodology down.</p> <p>12 And, again, once you say it's there by PLM,</p> <p>13 you're not required to do anything else. We are</p> <p>14 gonna do something else so I can publish it.</p> <p>15 Q Why do you feel like --</p> <p>16 Well, what else are you going to do?</p> <p>17 A Well, we'll get to where --</p> <p>18 If I'm gonna publish this, I want to</p> <p>19 publish and say this is the best, most efficient</p> <p>20 method we found, and these are the reasons why.</p> <p>21 Q And what do you have to do before you</p> <p>22 get to that point in time?</p> <p>23 A Well, I've got to finish up these --</p> <p>24 I've got to finish up using the 1.560. You know,</p>	<p style="text-align: right;">Page 120</p> <p>1 Italian and using Montana, using et cetera. I</p> <p>2 didn't think I was ever gonna see you guys again.</p> <p>3 Q So is it your contention that you</p> <p>4 haven't tested an MDL bottle because there was a</p> <p>5 period of time that J&J was in bankruptcy?</p> <p>6 MS. O'DELL:</p> <p>7 Object to the form. Misstates his</p> <p>8 testimony.</p> <p>9 A No. I didn't test any of it because</p> <p>10 the time it really -- we started, you know,</p> <p>11 really solving issues, you guys went bankrupt.</p> <p>12 So I focused on others so that we could take a</p> <p>13 look at Italian, we could take a look at Brazil,</p> <p>14 we could take a look at Guangxi, the four or five</p> <p>15 mines there. And as we got going along, you</p> <p>16 know, we got better and better at seeing these</p> <p>17 very small structures.</p> <p>18 Now, the next step is to get it to that</p> <p>19 one -- to get it to the level I'm satisfied with</p> <p>20 so that, you know, we can do TEM and finally put</p> <p>21 an end to the -- to, oh, you're misidentifying</p> <p>22 it. You're misidentifying it.</p> <p>23 MR. EWALD:</p> <p>24 Q Isn't there another way that you can</p>
<p style="text-align: right;">Page 119</p> <p>1 there's eight -- seven or eight samples there.</p> <p>2 Each of those are gonna take hours so that I have</p> <p>3 validated the concentrations by PLM. Then we</p> <p>4 have to go back and redo the TEMs because we're</p> <p>5 using 1.560. And we may adjust the heavy liquid</p> <p>6 density a little bit more, and that's it. But</p> <p>7 that's -- you're talking months of work.</p> <p>8 Q Have --</p> <p>9 Am I correct that you have not analyzed</p> <p>10 any of the MDL samples by PLM for the presence of</p> <p>11 chrysotile?</p> <p>12 A That's correct. We have not.</p> <p>13 Q Why not?</p> <p>14 A Number one, we weren't asked to do it.</p> <p>15 Number 2, we analyzed -- we have</p> <p>16 analyzed some -- you know, we have analyzed a</p> <p>17 number of samples from Vermont. We've analyzed a</p> <p>18 lot of samples from Italian, but not just -- not</p> <p>19 just Johnson Baby Powder samples.</p> <p>20 So we never -- we never did it because</p> <p>21 we were doing it on a bunch of other things.</p> <p>22 And, you know, quite frankly, J&J was in</p> <p>23 bankruptcy, so we focused in on other</p> <p>24 manufacturers that were using, you know, using</p>	<p style="text-align: right;">Page 121</p> <p>1 put an end to that?</p> <p>2 A Is there another way what?</p> <p>3 Q To put an end to that.</p> <p>4 MS. O'DELL:</p> <p>5 Object to the form. Vague.</p> <p>6 A I mean, it should put an end to it --</p> <p>7 it should put an end to it. I mean, the talk --</p> <p>8 the suggestion that we are misidentifying fibrous</p> <p>9 talc are absolutely wrong. The birefringence is</p> <p>10 so easy in a clear way to distinguish between</p> <p>11 these two biaxial minerals. I don't understand</p> <p>12 how they can keep saying this. It doesn't make</p> <p>13 any sense to me.</p> <p>14 MR. EWALD:</p> <p>15 Q Has any -- are you aware of any</p> <p>16 scientist outside of MAS that has analyzed a</p> <p>17 bottle or sample from a bottle of talc by PLM and</p> <p>18 reported chrysotile?</p> <p>19 A Um, I don't know. I mean, I don't know</p> <p>20 what different scientists are out there. I don't</p> <p>21 know what's been done as consulting experts.</p> <p>22 What I do know is not one scientist out</p> <p>23 there has provided any authoritative information</p> <p>24 about polarized light microscopy that shows that</p>

<p style="text-align: right;">Page 122</p> <p>1 we are misidentifying fibrous talc for 2 chrysotile. It makes absolutely no sense. 3 Either they don't understand birefringence or 4 they don't understand the PLM process or they 5 don't understand how birefringence is measured, 6 and they probably don't understand about the 7 Michelle Levy charts where you do a -- you 8 compare your lowest -- your lowest refractive 9 indice [sic] to your highest refractive indice 10 [sic] and then you look at the -- the width of 11 the structure, PLM, and the width will cause a 12 difference in your birefringence. And a 13 difference in birefringence can only happen if 14 the width is causing a difference in the 15 refractive indices. 16 Q Dr. Longo, are you aware of anyone in 17 the world that has reviewed your images and data 18 from MAS identifying chrysotile by using PLM and 19 publicly agree with it? 20 MS. O'DELL: 21 Objection to the form. 22 A Yes and no. Yes, they have agreed, 23 but, no, they're not willing to go publicly with 24 it. So...</p>	<p style="text-align: right;">Page 124</p> <p>1 thousands of experts that are all involved in 2 this. There's like, what, six? Five? 3 And I'm not saying they're incompetent. 4 I just don't understand how they can miss the 5 birefringence on chryso- -- on talc versus the 6 chrysotile. You're talking about five orders of 7 magnitude difference. Yeah, you'll get a yellow 8 gold, but it's bright versus a more muted yellow 9 gold. And you look at your data, and nobody's 10 been able to explain where I have intergrowths 11 with both talc and chrysotile in both parallel 12 and perpendicular direction. And when you look 13 at them, it's very obviously there's something 14 different there. 15 MR. EWALD: 16 Q Well, you talked about in this 17 litigation. But would you agree with me that 18 submitting your methods, the scrutiny of the 19 larger scientific community is a component of 20 good science? 21 MS. O'DELL: 22 Object to the form. 23 A No, I won't agree with you. I would 24 agree --</p>
<p style="text-align: right;">Page 123</p> <p>1 MR. EWALD: 2 Q Okay. Who agrees? 3 A I'm not saying. I -- I gave them my 4 word that I would not use their name. 5 Q Okay. So we have one individual who 6 you say agrees with you but isn't willing to 7 actually publicly agree with you. Fair? 8 MS. O'DELL: 9 Object to the form. 10 A It's fair that they -- they don't want 11 to be involved in the litigation. But I don't 12 think that has anything to do with anything. 13 MR. EWALD: 14 Q Well, you just said -- you've just been 15 criticizing the people that have commented on 16 your work as basically how can they be so 17 incompetent. I want to know if there's anyone 18 that you can identify by name outside of MAS that 19 says yes, Dr. Longo is right in identifying 20 chrysotile through PLM. Anybody? 21 MS. O'DELL: 22 Object to the form. 23 A You know how -- yeah. It's kind of 24 interesting you say that. It's like there's</p>	<p style="text-align: right;">Page 125</p> <p>1 I mean, I think, as a good scientist, 2 you want to get the best product forward. And 3 I've told you that for a commercial lab, it is 4 incredibly difficult to spend the time that we 5 need to finish up all this. Because you guys, 6 it's like you think, okay, well, we should have 7 it right away. So, you know, I can't help you 8 there. 9 This is an advancement in science. The 10 fundamentals of why, nobody has pulled anything 11 out to say, "oh, it's different." You know, they 12 go, "oh, well, he's misidentified cellulose 13 fibers." 14 No. If you look at the refractive 15 indices for cellulose, a ribbony cellulose, no 16 competent PLM analyst would have a problem with 17 that. 18 The difference between fibrous talc or 19 platy talc on edge and chrysotile is the 20 birefringence is incredibly significant. I just 21 don't understand how that -- you know, the 22 mistake. I'm not saying they're incompetent. 23 I'm just saying it doesn't make any sense to me. 24 MR. EWALD:</p>

<p style="text-align: right;">Page 130</p> <p>1 hour. Why don't we take a short, short break, 2 about five minutes? 3 MR. EWALD: 4 Sure. Let's do it. 5 VIDEOGRAPHER: 6 Off record. The time is 3:12. 7 (OFF THE RECORD.) 8 VIDEOGRAPHER: 9 Back on record. Time is 3:24. 10 MR. EWALD: 11 Q Okay. Doctor, right before we got back 12 on the record, you indicated that you did 13 identify the two tests that I had mentioned by 14 MAS's M number. Can you briefly just say on the 15 record which two tests those are? 16 A I'm sorry? 17 Q I wanted you to say on the record the 18 two M numbers that you identified off the record. 19 A MAS project M71740, the Kirch Johnson 20 Baby Powder container and report issued on 21 2-15-2024, and then we have M71730, the Jeanie 22 Henderson container and report issued in November 23 28 in 2023. 24 Q And if we combine those two analyses</p>	<p style="text-align: right;">Page 132</p> <p>1 that work? 2 A I don't recall any -- we actually had 3 anybody funding that work. And, you know, use -- 4 And I was thinking about what we just 5 talked about. The use of heavy liquid density 6 separation for minerals is something that is so 7 well established in the scientific community. 8 It's nothing -- there's nothing unique, there's 9 nothing -- 10 There's hundreds and hundreds of papers 11 out there published about using heavy density 12 liquid to use [sic] minerals. In this particular 13 case, we're just using -- we're going after a 14 different mineral that people haven't gone after 15 in the past, that I can tell, for -- for 16 chrysotile using a -- not a novel analytical 17 method. PLM is not novel. It's, you know, it's 18 been around from the late '60s, early '70s. The 19 use of -- it's just another analytical technique 20 for separating out a sample. It's just taking us 21 longer because we're not a research lab. 22 But, you know, you can go on TV and 23 watch heavy liquid density separation on the 24 shows where they're panning for gold. That's</p>
<p style="text-align: right;">Page 131</p> <p>1 with the analyses contained in your fourth 2 supplemental report, April 29th, 2024, that 3 together represents the entirety of the MAS PLM 4 chrysotile analyses that have been produced as it 5 relates to J&J talc? 6 A As far as I know, yes. 7 Q Okay. It's not a trick question. It's 8 the same thing I have. 9 A No, there's no others. One will show 10 up, and then people aren't too kind. 11 Q Well, let's circle back. When we were 12 talking about the early days of MAS's work on PLM 13 and chrysotile circa roughly December 2020, who, 14 if anyone, was funding that initial work? 15 MS. O'DELL: 16 Object to the form. 17 John, I think you misstated the year. 18 You said 2020. 19 MR. EWALD: 20 I think I did, too. Let's try again. 21 Thank you. 22 Q In -- in or around December of 2019, 23 when MAS was beginning its PLM chrysotile 24 methodology work, who, if anyone, was funding</p>	<p style="text-align: right;">Page 133</p> <p>1 heavy liquid density separation. 2 Q Okay. So if that's the case, Doctor, 3 then why did you spend a decent amount of your 4 report and the deposition time earlier today 5 saying how J&J hid from the world this heavy 6 liquid separation method for chrysotile that 7 never would have been -- seen the light of day if 8 not for litigation if it's -- everyone knows 9 about it and it's so well established? 10 MS. O'DELL: 11 Object to the form. 12 A Well, if you have a method and you 13 start analyzing it and you're getting a number of 14 positive samples for asbestos that you did during 15 the earl- -- during the development of this 16 method, it wasn't me who said this but it was a 17 J&J person that said that this concentration 18 method is not in the best interest of our 19 worldwide talc market. You're gonna start 20 putting out there that there's asbestos in your 21 product? That's what I think. 22 MR. EWALD: 23 Q Well, I'm sorry, Doctor. You didn't 24 answer my question, which is: If, as according</p>

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1 C E R T I F I C A T E

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3 I do hereby certify that the above and
4 foregoing transcript of proceedings in the matter
5 aforementioned was taken down by me in machine
6 shorthand, and the questions and answers thereto
7 were reduced to writing under my personal
8 supervision, and that the foregoing represents a
9 true and correct transcript of the proceedings
10 given by said witness upon said hearing.

11 I further certify that I am neither of
12 counsel nor of kin to the parties to the action,
13 nor am I in anywise interested in the result of
14 said cause.

15
16
17

18 *Lois Anne Robinson*
19 /s: // Lois Anne Robinson

20 LOIS ANNE ROBINSON, RPR, RMR
21 REGISTERED DIPLOMATE REPORTER
22 CERTIFIED REALTIME REPORTER
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